

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

YAHOO! INC. a Delaware corporation,

Plaintiff,

v.

DAIANN NAKCHAN, ADEBIMPE F. POGOSON,  
EMMANUEL C. ONYEMA, AISHA BUHARI,  
CHINEDU MBONU, CHIBUZOR MBONU,  
CHIKA MBONU, AUDITH INVESTMENTS LTD.,  
CHEN CHIEN-CHANG, CHEN CHIEN-ZHOU,  
ALAMIN INDUSTRIAL CORP., XYZ Companies 1-  
25 and JOHN/JANE DOES 1-25 (a/k/a the "Yahoo!  
Lottery Spammers"),

Defendants.

**DECLARATION OF  
SHANE M. MCGEE IN  
SUPPORT OF PLAINTIFF'S  
MOTION FOR DEFAULT  
JUDGMENT**

Civil Action No.: 08-CIV-4581

I, SHANE M. MCGEE, declare as follows:

1. I make this declaration based upon my own personal knowledge and my familiarity with the matters recited herein. I could and would testify to the same under oath should I be called as a witness before the Court.
2. I am a partner with the law firm of SNR Denton ("SNR Denton"), previously Sonnenschein Nath & Rosenthal LLP.
3. SNR Denton is counsel to Yahoo! Inc. ("Yahoo!") in the current case.
4. As a part of my responsibilities in the current case, I was tasked with locating the origin of email messages in which the senders informed recipients that they had won a "lottery" prize that had allegedly been sponsored by Yahoo! ("Lottery Hoax Emails").
5. I was largely responsible for coordinating the activities of the investigators that were contracted to identify, locate and gather evidence against the Defendants.

**AUSDITH INVESTMENTS LTD. AND THE MBONUS**

6. Robert Jackson (“Jackson”) of Robert Jackson and Associates, Inc. was hired as an investigator in this case. In that capacity, he was asked to respond to certain Lottery Hoax Emails, including one from [lotteryloottoinc3443@fanoftheweb.com](mailto:lotteryloottoinc3443@fanoftheweb.com).

7. The Lottery Hoax E-mail from [lotteryloottoinc3443@fanoftheweb.com](mailto:lotteryloottoinc3443@fanoftheweb.com) identified “Rev. Nicholas Wyatt” as the “Claim Agent” and requested the recipient to contact him at his email address ([rev.frnicholaswyatt@hotmail.com](mailto:rev.frnicholaswyatt@hotmail.com)) or phone number (+44-702-401-0191).

8. Jackson’s correspondence with “Rev. Nicholas Wyatt” ([rev.frnicholaswyatt@hotmail.com](mailto:rev.frnicholaswyatt@hotmail.com)) led to the identification of a bank account (the “Ausdith Account”) belonging to Ausdith Investments Ltd. (“Ausdith”) as detailed in Exhibit 1 (the “Jackson-Ausdith Declaration”), attached hereto.

9. During his correspondence with “Rev. Nicholas Wyatt” ([rev.frnicholaswyatt@hotmail.com](mailto:rev.frnicholaswyatt@hotmail.com)), Jackson, posing as a potential victim, was instructed to transfer funds to the Ausdith Account as described in the Stone-Jansen-Ausdith Declaration.

10. A search report received from Mariette Du Plessis at the law firm of Adams & Adams (1140 Prospect Street, Hatfield, Pretoria 0001, South Africa), attached hereto as Exhibit 2, revealed that Chinedu Mbonu (5th Avenue, G – 1 Close, Block 2, Flat 16, Festac Town, Lagos), and Chibuzor Mbonu (5th Avenue, G – 1 Close, Block 2, Flat 16, Festac Town, Lagos) were subscribers and directors of Ausdith at the time of Ausdith’s incorporation.

11. In response to a subpoena, United Bank for Africa confirmed that the Ausdith Account was owned by Chinedu Mbonu, Ausdith’s CEO, and that the address used in

Ausdith's corporate documents is identical to the address Chinedu Mbonu provided to United Bank for Africa when the Ausdith Account was opened. A portion of the United Bank for Africa's subpoena response is attached as Exhibit 3.

12. I contacted seven individuals residing in the United States whose names and bank account information were located in the Ausdith Account records. Each of these individuals stated that they had wired funds into the Ausdith Account after unwittingly falling victim to an advance-fee fraud scam.

**DAIANN NAKCHAN**

13. Paul Stone-Jansen, a private investigator employed by Jackson, was asked to respond to certain Lottery Hoax Emails, including one from kaneivabangkok208882@hotmail.com.

14. Stone-Jansen's correspondence with kaneivabangkok208882@hotmail.com led to the identification of a bank account belonging to Daiann Nakchan ("Nakchan") as detailed in Exhibit 4 (the "Stone-Jansen-Nakchan Declaration"), attached hereto.

15. During his correspondence with kaneivabangkok208882@hotmail.com, Jackson, posing as a potential victim, was instructed to transfer funds to Nakchan's bank account as described in the Stone-Jansen-Nakchan Declaration.

**ALAMIN INDUSTRIAL CORP.**

16. Barry Rozen ("Rozen") was hired as an investigator in this case. In that capacity, he was asked to respond to certain Lottery Hoax Emails, including one asking recipients to respond to fatherjerryp.anderson@y7mail.com.

17. Rozen's correspondence with fatherjerryp.anderson@y7mail.com led to the identification of a bank account belonging Alamin Industrial Corp (the "Alamin Account"), as detailed in Exhibit 5 (the "Rozen-Alamin Declaration"), attached hereto.

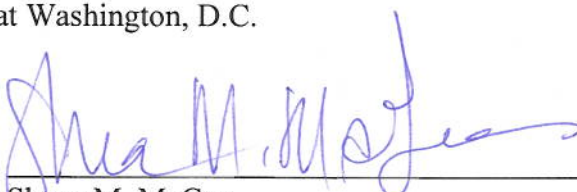
18. During his correspondence with fatherjerryp.anderson@y7mail.com, Rozen, posing as a potential victim, was instructed to transfer funds to the Alamin Account as described in the Rozen-Alamin Declaration.

19. According to bank records, attached hereto as Exhibit 6, the Alamin Account received more than \$3,000,000 in deposits over the past seven years.

20. According to bank records, the Alamin Account received \$8,600 from the Ausdith Account in July 2004. See Exhibit 7, bank records attached hereto.

I declare under penalty of perjury that the foregoing is true and correct and based upon my personal knowledge.

EXECUTED on this 26 day of April, 2011, at Washington, D.C.

  
Shane M. McGee